

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 237.3 and 234.6, the Department of Human Services proposes to amend Chapter 112, "Licensing and Regulation of Child Foster Care Facilities," Chapter 113, "Licensing and Regulation of Foster Family Homes," Chapter 117, "Foster Parent Training," Chapter 156, "Payments for Foster Care and Foster Parent Training," Chapter 200, "Adoption Services," and Chapter 202, "Foster Care Services," Iowa Administrative Code.

The proposed amendments update provisions for foster family home licensing and training and for foster care and adoption services to:

- Reflect the Department's current contracting arrangements and procedures.
- Incorporate changes to comply with federal law and regulations and support the Department's position for federal Child and Family Service Reviews.
- Incorporate changes suggested by Department staff and stakeholders.
- Insert numbering to comply with current standards for administrative rules.

The amendments to Chapter 112 would:

- Clarify application provisions for foster care licenses for both foster family and group care.
- Extend the time limit for a decision on an initial foster family home license application from 90 days to 140 days if the applicant must complete the 30-hour preservice training course or to 120 days if the course is waived. The Department's experience is that current requirements for training and for national criminal record checks often cannot be completed within 90 days of the application date.
- Provide that the Department shall not act on a family's reapplication for licensing if the family's license has been denied or revoked within the last 12 months.
- Add refusal of the foster family to engage as a resource to the foster child's birth parents as grounds for denial of a renewal application.
- Clarify that mandatory child abuse reporter training must be approved by the Iowa Department of Public Health.
- Clarify that a foster family's training documentation shall be submitted to the Department's statewide contractor for the recruitment and retention of resource (foster and adoptive) families.

Update organizational terminology.

The amendments to Chapter 113 would:

- Rescind definitions of unused terms and add new definitions.
- Add an overview of the steps in the licensing process, including a list of forms and documentation that the applicant family must submit.
- Allow waiver of any licensing standard that can be waived without a negative impact on the safety or well-being of the foster child. Public Law 110-351, the Fostering Connections to Success and Increasing Adoptions Act, requires this waiver provision. (The Department will not have the authority to waive standards set in state or federal law.)
- Add more physical requirements for bedrooms used by foster children and for family sleeping arrangements.
- Prohibit smoking in the foster family home or vehicle when foster children are present, based on a recommendation from the Department's Child Death Review Team.

- Require foster parent applicants to make a visual inspection for lead-paint hazards and apply interim controls to mitigate any potential hazard identified. This provision is required by 2008 Iowa Acts, chapter 1187, section 35.

- Add a minimum temperature requirement for bedrooms and prohibit use of kerosene heaters or gas-fired space heaters in the foster family home.

- Waive the water-testing requirement after a family has made alternative arrangements for safe water for three consecutive years.

- Require each floor where foster children would sleep to have a working smoke detector and carbon monoxide detector as well as a window exit that meets specified dimensions.

- Add safety requirements related to combustion hazards, safety plans, medications and poisonous substances, weapons and firearms, transporting and supervising foster children, and pets or outdoor animals with which a foster child may come into contact.

- Move foster parent training standards to Chapter 117, except for a summary list of requirements.

- Require the foster family to actively ensure that the foster child stays connected to the child’s kin, culture, and community as required in the child’s case permanency plan.

- Require that records about the foster child be provided to the supervising agency or to the child’s parent or guardian when the child leaves the placement.

- Allow the licensing worker discretion to request an updated health report from the foster family.

- Set a minimum age requirement of 21 and make minor changes to the requirements for the personal characteristics of the foster parents.

- Clarify the scope of assessment and the timing for the required unannounced visit, which is now made by the recruitment and retention contractor. Deficiencies found will be referred to the Department’s licensing worker for joint planning with the foster family on improvement.

- Clarify the requirements on working with the foster child’s school and consulting with the child’s parents about participation in the child’s culture and religion.

- Clarify the requirements on training and discipline of foster children and provide that if the child’s treatment plan includes the use of restraints, the foster parents shall receive training in the safe and appropriate use of restraints.

- Add requirements for alternative care during a foster parent’s emergency absence and reporting absences and other changes of circumstances that could affect the health, safety or welfare of a foster child in the family’s care.

The amendments to Chapter 117 would:

- Incorporate the training requirements previously included in Chapter 113.

- Require approval of the area social work administrator or designee for a preservice training session to an individual family instead of a group.

- Clarify that the Department’s recruitment and retention contractor is responsible for providing orientation and managing preservice training.

- Clarify requirements for approval and crediting of in-service training, including designating a training cycle that is offset from the licensing period, so that license renewal will not be delayed when the foster parent needs to complete the annual training requirement.

- Require training in medication management, CPR, first aid, and child abuse reporting during the first year of licensing. The Child Death Review Team has recommended that training in first aid and CPR be mandatory.

- Require completion of the course “Caring for Children With HIV” before placement of an HIV-infected child with the family.

- Incorporate the rules on training stipends and trainer fees that were previously in Chapter 156.

The amendments to Chapter 156 would:

- Change the chapter title to reflect the removal of foster parent training provisions.

- Remove unused definitions and update definitions to remove obsolete references and terminology.

- Provide for recovery of overpayments made to a foster family.

- Require a foster family that provides child care to be registered pursuant to 441—Chapter 110 and prohibit the family from displacing the foster child to another child care facility.

- Clarify provisions for payment in a preadoptive placement.
- Update language on the contracts required for provider payment.

The amendments to Chapter 200 would:

- Amend and add definitions and update form references.
- Clarify the role of the recruitment and retention contractor in doing adoptive home studies, preparing families for adoption, and providing support to adoptive families.
- Clarify the role of the Department adoption worker in preplacement and postplacement services.
- Rescind rules on the methods of service provision, fees for services, and international adoptions. Since the Department will accept applications for adoption only for special needs children, fees do not apply. International adoptions are handled through private child-placing agencies.

The amendments to Chapter 202 would:

- Update the definition of “foster care” to match the definition in Chapter 156.
- Add new definitions of “family safety, risk, and permanency service,” “foster family adoption,” “resource family,” and “social history.”
- Require a genogram of the child’s family as part of the assessment of the need for foster care placement.
- Add requirements on record checks for relatives who may accept placement of the child.
- Prohibit placement of a child who has asthma or other respiratory disease in a foster family home where any member of the household smokes.
- Add requirements for furnishing information to the foster care provider which were previously included in Chapter 113.
- Require monthly visits by the caseworker to the child’s parents.
- Clarify the provision of services to children in foster family placement.

Other than the licensing waivers mentioned above, these amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before April 28, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code chapters 234, 237, and 600.

The following amendments are proposed.

ITEM 1. Amend rule 441—112.1(237) as follows:

**441—112.1(237) Applicability.** This chapter relates to licensing procedures for all child foster care facilities authorized by Iowa Code chapter 237. Rules relating to specific types of facilities are located in 441—Chapter 113, “Licensing and Regulation of Foster Family Care Homes,” 441—Chapter 114, “Licensing and Regulation of All Group Living Foster Care Facilities for Children,” 441—Chapter 115, “Licensing and Regulation of Comprehensive Residential Facilities for Children,” and 441—Chapter 116, “Licensing and Regulation of Residential Facilities for Mentally Retarded Children.”

This rule is intended to implement Iowa Code chapter 237.

ITEM 2. Amend rule 441—112.3(237) as follows:

**441—112.3(237) Application for license.**

**112.3(1) Right to apply.** Any adult individual or agency has the right to ~~make application~~ apply for a license.

*a. Foster family care.* A person wishing to apply to be a foster parent shall contact the department’s recruitment and retention contractor at 1-800-243-0756 to request an application packet. This procedure also applies to:

(1) Persons wishing to care for children placed through a any public or private agency shall make application through that agency.

~~b. (2) Persons wishing to care for children~~ A relative who is caring for a child directly placed by the child's parents, guardians, or other relatives shall make application to the department of human services another relative and who wishes to be licensed as a foster parent.

b. Group care. A person wishing to apply for a group care license shall contact the department:

(1) Through the "Child Welfare" link on the department's Web site, www.dhs.iowa.gov; or

(2) By mail to the DHS Division of Child and Family Services, Attn: Group Care Licensing, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

**112.3(2) Decision to operate a facility.**

a. When an applicant has reached a decision to operate a facility for child foster care family home, the applicant shall complete Form 470-0689, Foster Family Home License Application, or

b. When an applicant has reached a decision to operate a group facility, the applicant shall complete Form 470-0723, Application for License or Certificate of Approval. Requests for renewal shall be made on the same form.

**112.3(3) to 112.3(5) No change.**

**112.3(6) Applications for renewal.**

a. The department or its agent shall send the licensee an application for renewal 90 days before the license expires. Applications for license renewal shall be made on the form specified in subrule 112.3(2).

b. Applications for renewal shall be made to the department at least 30 but no more than 90 days before the license expires. Applications for renewal of a group care license shall be submitted to the address in subparagraph 112.3(1) "b"(2). Applications for renewal of a foster family home license shall be submitted to the recruitment and retention contractor.

c. The department shall approve or deny an application for license renewal through the same process as that used for the original application.

**112.3(7) Notification.**

a. Foster family homes.

(1) The department shall notify an applicant of the approval or denial of an initial license within 140 days of the date that the applicant begins the preservice training required in 441—subrule 113.8(1). When preservice training is waived, the department shall notify the applicant of approval or denial within 120 days of the date that the training waiver is granted.

(2) The department shall notify a licensee of the approval or denial of license renewal within 90 days of reapplication.

b. Group facilities. Facilities shall be notified The department shall notify a group facility of approval or denial of a license within 90 days of application or reapplication.

This rule is intended to implement Iowa Code section 237.5.

ITEM 3. Amend subrule 112.5(2) as follows:

**112.5(2) Reapplications will shall be denied:**

a. For the same reasons as original applications.

b. For the same reasons as listed in the grounds for revocation.

c. When the foster family applicant's license has been denied or revoked within the 12 months before the date of reapplication. Denial for this reason does not require a licensing study.

d. If the foster family refuses to engage as a resource to a foster child's birth parents when engagement can be done in a way that does not put the foster family or the foster child at risk of harm.

ITEM 4. Strike "commissioner" wherever it appears in subrules **112.9(2)** and **112.9(3)** and insert "director" in lieu thereof.

ITEM 5. Amend subrule **112.10(1)**, catchwords, as follows:

**112.10(1) Mandatory ~~reports~~ reporters.**

ITEM 6. Amend paragraph **112.10(3)“b”** as follows:

b. If the foster care provider is a licensed foster parent, the foster parent shall be responsible for obtaining the required two-hour training in child abuse identification and reporting as part of a continuing education program required under Iowa Code section 232.69 and chapter 258A 272C, ~~or from any of the following:~~ and approved by the department of human services public health, ~~the department of education, an area education agency, a school district, the Iowa law enforcement academy, or a similar public agency.~~

ITEM 7. Amend paragraph **112.10(5)“b”** as follows:

b. If the foster care provider is a licensed foster parent, the foster parent shall be responsible for securing documentation of the training content, amount, and provider, and shall forward the documentation to the department’s ~~district office~~ recruitment and retention contractor, which will provide a copy to the department licensing worker for the service area where the family resides, for inclusion in the licensing file.

ITEM 8. Rescind the definition of “Relative” in rule **441—113.2(237)**.

ITEM 9. Adopt the following **new** definitions in rule **441—113.2(237)**:

“*Corporal punishment*” means the intentional physical punishment of a foster child.

“*Department*” means the Iowa department of human services.

“*Reasonable force*” means that force, and no more, which a reasonable person in like circumstances would judge to be necessary to prevent an injury or loss.

“*Recruitment and retention contractor*” means the entity that contracts with the department statewide to recruit foster and adoptive parents, complete home studies, and perform activities to support and encourage retention of foster and adoptive parents, or any of its subcontractors.

“*Service area manager*” means the department employee responsible for managing department offices within a department service area.

“*Social work administrator*” means the department employee responsible for supervising the social work staff within a department service area and for implementing service policies and procedures of the department.

ITEM 10. Rescind rule 441—113.3(237) and adopt the following **new** rule in lieu thereof:

**441—113.3(237) Licensing procedure.**

**113.3(1) Application.** Applications for an initial license to operate a foster family home shall be submitted and processed as directed in rule 441—112.3(237). In addition to the application form, the applicant shall submit the following:

a. Form 595-1396, DHS Criminal History Record Check, for each person living in the home who is 14 years of age or older, as required by rule 441—113.13(237).

b. Form 470-0720, Physician’s Report for Foster and Adoptive Parents, to satisfy the requirements of rule 441—113.11(237).

c. Form 470-3226, HIV General Agreement, to indicate choices about caring for children who have or are at risk for HIV infection.

d. Form 470-0693, Foster Care Private Water Supply Survey, if applicable.

e. A drawing of the floor plan of the family’s home.

f. If married, a copy of the marriage certificate.

g. If divorced, a copy of the divorce decree.

h. If licensed to drive, a copy of the driver’s license and motor vehicle insurance.

**113.3(2) Orientation.** Applicants shall attend an orientation provided by the recruitment and retention contractor as described in rule 441—117.2(237).

**113.3(3) Record checks.** Before beginning preservice training, applicants shall pass at least the local record check procedures as specified in rule 441—113.13(237).

**113.3(4) Home study.** The worker for the recruitment and retention contractor shall complete a family home study.

*a. Process.* Information for the home study is gathered primarily through the required preservice training as described in rule 441—117.1(237). In addition:

- (1) The worker shall hold at least two face-to-face interviews with the applicant.
- (2) The worker shall hold at least one face-to-face interview with each member of the household.
- (3) At least one of the interviews shall take place at the applicant's home. A physical inspection of the home is required to verify compliance with the standards in this chapter.
- (4) Reference checks shall be conducted as described at rule 441—113.14(237).

*b. Family assessment topics.* The assessment of the prospective foster family shall evaluate the family's ability to parent a special needs child. The assessment shall include the following:

- (1) The applicant's motivation for foster care and whether the family has biological, adopted, or foster children.
- (2) The attitude of the family and the extended family toward accepting a foster child.
- (3) The applicant's emotional stability; marital relationship and history, including verification of marriages and divorces; family relationships; and compatibility.
- (4) The applicant's ability to cope with problems, stress, frustrations, crisis, separation, and loss.
- (5) Medical, mental, and emotional conditions that may affect the applicant's ability to parent a child; treatment history; current status of treatment; and the evaluation of the treatment.
- (6) The applicant's willingness to accept a child who has medical problems (such as HIV), mental retardation, or emotional or behavioral problems.
- (7) The applicant's ability to provide for a child's physical, medical, and emotional needs and respect the child's ethnic and religious identity.
- (8) The safety of foster children in relation to any animals that live on the applicant's property.
- (9) The adjustment of any children in the home, including their attitudes toward foster care and adoption, relationships with others, and school performance.
- (10) An assessment of the applicant's disciplinary techniques and practices.
- (11) The applicant's financial information and ability to provide for a child.
- (12) The applicant's attitude toward the foster child's birth parents and siblings.
- (13) The applicant's commitment to and capacity to maintain a foster child's significant relationships and work with the child's parents when the permanency goal is reunification.
- (14) Any history of substance use or substance abuse by family members or members of the household, including treatment history and current status of treatment.
- (15) Any history of abuse by family members or members of the household, including treatment history, current status of treatment, and how this issue would affect the applicant's ability to be a foster parent.
- (16) Any criminal convictions of family members or adults in the household and the evaluation of the criminal record.

*c. Written report.* The recruitment and retention contractor shall prepare a written report of the family assessment using Form 470-4029, PS-MAPP Family Profile Summary, and RC-0025, Home Study Summary and Recommendation Outline. The summary shall include a recommendation for the number, age, sex, characteristics, and special needs of a child or children the family can best parent, and any other pertinent information in making the licensing recommendation. The home study shall be maintained in the foster family record.

**113.3(5) Decision.** The department worker shall use the home study to approve or deny a prospective family as an appropriate placement for a child or children. The department worker shall notify the family of the licensing decision using Form 470-0709, Notice of Action: Foster Family Home.

*a.* Upon approval, the department shall issue the applicant a license as described at rule 441—112.4(237) to care for the number of foster children allowed under subrule 113.4(1).

*b.* If the department worker does not approve the home study, the notice shall state the reasons for that decision, as listed in rule 441—112.5(237). A license denial may be appealed as described at rule 441—112.8(237).

This rule is intended to implement Iowa Code section 237.5.

ITEM 11. Amend rule 441—113.4(237), introductory paragraph, as follows:

**441—113.4(237) Provisions pertaining to the license.** On a case-by-case basis, the service area manager or area social work administrator may waive any standard in this chapter unless:

1. The requirement is set in state or federal law; or
2. The waiver could have a negative impact on the safety and well-being of a child placed in the foster family home.

ITEM 12. Amend rule 441—113.5(237) as follows:

**441—113.5(237) Physical standards.**

**113.5(1)** No change.

**113.5(2) Grounds.**

a. No change.

b. The foster child shall be protected against ~~such hazards as~~ including, but not limited to, traffic, pools, railroads, waste material, and contaminated water.

**113.5(3) ~~Sleeping rooms~~ Bedrooms for foster children.**

a. ~~Sleeping rooms~~ Bedrooms shall either have been constructed for the purpose of providing sleeping accommodation or remodeled for sleeping to provide proper heat and ventilation. Bedroom additions to a home shall meet building code requirements. All bedrooms must have:

- (1) Permanent walls;
- (2) A door that closes;
- (3) A working window that opens from the inside; and
- (4) A closet, wardrobe, armoire, or dresser.

b. For multiple occupancy, the minimum area per child shall be ~~40 square feet~~ adequate space to meet the needs of the child as determined by the worker completing Form 470-0695, Foster Home Survey Report.

c. No change.

**113.5(4) All rooms aboveground.**

a. No change.

b. The ceiling height for rooms aboveground shall be ~~seven feet or more~~ adequate for the child.

**113.5(5) Rooms belowground.**

a. No change.

b. ~~Sleeping rooms~~ Bedrooms for foster children located belowground shall:

(1) Have access to at least one direct exit to the outside on that level and one inside stairway exit on that level; and

(2) ~~conform~~ Conform to standards listed in 113.5(3) and 113.7(1)“a.”.

**113.5(6) Physical care standards for foster children.**

a. Grouping children in ~~sleeping rooms~~ bedrooms shall take into consideration the age and sex of children.

(1) Children over ~~six~~ 6 years of age shall not share a ~~room~~ bedroom with a child of the opposite sex.

(2) Foster children over the age of 2 shall not share a bedroom with any person over the age of 18 in the home unless approved by the social work administrator or designee.

(3) Foster children shall not share a bed with any other child.

b. Foster parents shall have a designated bedroom. Children ~~two~~ 2 years of age or older shall be provided bedroom space other than in the foster parents' bedroom. Foster children under the age of 2 may share a bedroom with the foster parent.

c. to h. No change.

i. Children under the age of 1 year shall be placed on their backs when sleeping unless otherwise authorized in writing by a physician.

j. Smoking shall be prohibited in the foster home or any vehicle when the foster child is present.

**113.5(7) Household pets Lead-based paint.** ~~Household pets which have access to the outdoors shall be inoculated for rabies.~~ If the applicant lives in a home built before 1960, the applicant shall submit Form 470-4703, Lead Paint Assessment, certifying that the applicant:

a. Has conducted a visual assessment for lead hazards that exist in the form of peeling or chipping paint; and

b. Has applied interim controls using safe work methods if the presence of peeling or chipping paint is found, unless an inspector certified pursuant to department of public health rules at 641—Chapter 70 has determined that the paint is not lead-based. “Interim controls” are measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, such as repairing deteriorated lead-based paint, specialized cleaning, maintenance, painting, and temporary containment.

**113.5(8)** No change.

**113.5(9) Toilet facilities.**

a. No change.

b. All toilet facilities, ~~including privies,~~ shall be maintained in a clean and working condition.

**113.5(10) Heating plant.**

a. The heating plant shall have a capacity to maintain a temperature of approximately 65 degrees Fahrenheit;

(1) ~~at~~ At a point 24 inches from the floor during the day in severe weather; and

(2) In the bedroom with the door closed.

b. Gas-fired space heaters, other stoves, fireplaces ~~Fireplaces~~ and water heaters shall be vented to the outside atmosphere. Kerosene heaters and gas-fired space heaters shall not be used to heat any space in the home.

**113.5(11)** No change.

This rule is intended to implement Iowa Code section 237.3.

ITEM 13. Amend paragraph **113.6(4)“e”** as follows:

e. When the water sample is not approved, no license shall be issued until the foster parents provide a written statement that foster children will be provided potable water, where it will be obtained, and how it will be transported and stored.

(1) The statement shall be provided on Form 470-0699, Provisions for Alternate Water Supply.

(2) Annual testing of the water may be waived after three consecutive years when the family has made ongoing alternative arrangements for the use of safe, potable water.

ITEM 14. Amend rule 441—113.7(237) as follows:

**441—113.7(237) Fire safety Safety.**

**113.7(1) Fire protection for bedrooms.** Any floor of a house, including the basement, used for the sleeping of foster children shall be equipped with ~~at least one of~~ the following:

a. A working smoke detector approved by the Underwriters Laboratory.

b. A window exit ~~providing the window exit that~~ meets all of the following criteria:

(1) The window opens from the inside and is large enough to allow the foster child to pass easily through it. The window shall have an opening height of at least 24 inches, a width of at least 20 inches, and a finished sill height of not more than 44 inches above the floor.

(2) Provisions are made to ensure that the foster child can easily reach, open, and climb through the window.

(3) Provisions are made to ensure that the foster child can safely reach the ground from the window. ~~This may include the need for secure steps or stairs.~~

(4) The foster child is aware of the window exit and how to ~~utilize~~ use it.

c. ~~A path of exit to the outside from the sleeping room which does not require the passage through more than one additional room, excluding hallways, stairs, and entryways~~ Hallways that allow unrestricted access to an exit.

d. A working carbon monoxide detector.

**113.7(2) ~~Combustible materials~~ Combustion hazards.**

a. Combustible materials shall be kept away from furnaces, stoves, ~~or~~ space heaters, and water heaters.

b. Explosives and flammable substances shall be stored securely and be inaccessible to a child.

c. The home shall have at least one operable 2A-10BC-rated or ABC-rated fire extinguisher.

**113.7(3) Safety plan.** The family shall have a safety plan to be used in case of fire, tornado, ~~or~~ blizzard, flood, other natural or manmade disasters, accidents, medical issues, and other life-threatening situations for children in out-of-home placements.

a. Safety plans for fire and tornadoes shall be documented and reviewed with foster children at the time of placement and practiced with the foster children throughout the year.

b. In the case of a disaster requiring evacuation of the home, the foster parents shall notify the department of the address and telephone number of the parents' temporary residence within 48 hours.

**113.7(4) Medications and poisonous substances.** All prescription medications and poisonous substances shall be kept in a locked storage container out of the reach of children.

a. All prescription medication shall be administered as prescribed and documented in a prescription medication log.

b. All over-the-counter medications shall be administered according to label directions or as directed by a physician.

**113.7(5) Weapons.** All weapons, firearms, and ammunition shall be inaccessible to a child of any age.

a. Weapons and firearms shall be maintained in a locked place, such as a gun case.

b. Ammunition shall be maintained in a locked place separate from the firearms.

c. Any motor vehicles used to transport foster children shall not contain a loaded gun, and any ammunition in the vehicle shall be kept in a separate, locked container.

d. Foster parents who have a permit to carry a firearm shall sign Form 470-4657, Firearms Safety Plan.

**113.7(6) Transporting foster children.**

a. Foster parents shall have a valid Iowa driver's license and adequate motor vehicle insurance when they transport foster children in a motor vehicle.

b. Foster parents shall ensure that appropriate child safety restraints as required by Iowa law are used for all foster children when the foster parents transport the children in a motor vehicle.

c. Any motor vehicles used to transport foster children shall be smoke-free when foster children are being transported.

**113.7(7) Supervision.** The foster parents shall provide reasonable supervision of foster children to ensure their safety.

a. Foster parents shall monitor foster children while the children are using hazardous items. All dangerous objects or equipment, including but not limited to trampolines, recreational vehicles, and power tools, shall be inaccessible to a child unless:

(1) There is reasonable supervision by the foster parent, and

(2) Permission has been obtained from the parent or guardian for the foster child to use the equipment or vehicle.

b. Foster parents shall monitor foster children while the children are using the Internet.

**113.7(8) Household pets.** Household pets and any outdoor animals or pets accessible to foster children shall have a current veterinary health certificate that verifies the animal's routine immunizations as required by local ordinances.

This rule is intended to implement Iowa Code section 237.3.

ITEM 15. Rescind rule 441—113.8(237) and adopt the following **new** rule in lieu thereof:

**441—113.8(237) Foster parent training.**

**113.8(1) Preservice training.** All foster parent applicants shall complete the following training before licensure and the placement of a child in foster care in their home:

a. Orientation pursuant to rule 441—117.2(237); and

b. Preservice training pursuant to rule 441—117.1(237).

**113.8(2) In-service training.** All licensed foster parents shall complete six hours of in-service training annually as required by rule 441—117.7(237).

a. All foster parents shall complete training in medication management, cardiopulmonary resuscitation, and first aid in their first year of licensure as required by rule 441—117.8(237).

b. All licensed foster parents shall complete training on child abuse in their first year of licensure and every five years thereafter as required by rule 441—112.10(232) and 441—subrule 117.8(4).

This rule is intended to implement Iowa Code section 237.5A.

ITEM 16. Amend rule 441—113.9(237) as follows:

**441—113.9(237) Policy for involvement Involvement of biological or adoptive parents kin.**

**113.9(1) ~~Acceptance~~ Support by foster parents.** Foster parents shall ~~accept~~ support the involvement of biological or adoptive parents and other relatives of the foster child unless this involvement is evaluated and documented by the department or supervising agency to be detrimental to the child's well-being.

**113.9(2)** No change.

**113.9(3) Cultural connections.** Throughout the provision of care, the foster family shall actively ensure that the foster child stays connected to the child's kin, culture, and community as required in the child's case permanency plan.

This rule is intended to implement Iowa Code section 237.3.

ITEM 17. Rescind and reserve subrule **113.10(1)**.

ITEM 18. Amend subrule 113.10(2) as follows:

**113.10(2) ~~Additional~~ Foster child information.** ~~The following~~ Foster parents shall maintain a separate folder of information shall be maintained on each foster child placed in the foster family home. This folder shall be provided to the supervising agency or the child's parent or guardian when the child leaves the placement. The folder shall contain:

a. Names and addresses of all doctors, mental health professionals, and dentists who have treated the child and the type of treatment received while in the foster home.

b. School reports including report cards and pictures.

c. ~~Date of discharge~~ the child left the placement.

d. ~~Name, and address, and telephone number~~ of the person to whom the child is discharged.

ITEM 19. Rescind subrule 113.10(3) and adopt the following **new** subrule in lieu thereof:

**113.10(3) Confidentiality.** Foster parents shall maintain confidentiality regarding a child in placement except as required to comply with rules on mandatory reporting of child abuse and with the child's case permanency plan. Foster parents shall not post pictures or information concerning a foster child on any Internet Web site.

ITEM 20. Amend rule 441—113.11(237) as follows:

**441—113.11(237) Health of foster family.**

**113.11(1) ~~Prior to initial licensure~~ Health report required.** The foster parents shall furnish the licensing agency with a health report on the family completed no more than six months ~~prior to~~ before the application for licensure. The report shall include information on all family members. An updated report shall be provided upon request of the department licensing worker or the recruitment and retention contractor.

**113.11(2) Contents of report.** This report shall include a statement from the health practitioner that there are no physical or mental health problems which would be a hazard to foster children placed in the home; and a statement that the foster parents' health would not prevent needed care from being ~~furnished~~ provided to the foster child.

**113.11(3) *Capability for caring for the child.*** If there is evidence that the foster parent is unable to provide necessary care for the child, the department licensing worker, the recruitment and retention contractor, or the physician may require additional medical and mental health reports.

This rule is intended to implement Iowa Code section 237.7.

ITEM 21. Amend rule 441—113.12(237) as follows:

**441—113.12(237) Characteristics of foster parents.**

**113.12(1) *Age.***

- a. Foster parents shall be at least ~~18~~ 21 years of age.
- b. No change.

**113.12(2) to 113.12(4) No change.**

**113.12(5) *Personal characteristics.*** The foster parents shall:

- a. to c. No change.
- d. Be able to accept and deal with acting out behavior with realistic expectations and good judgment.
- e. ~~Treat~~ Include foster children in ~~a manner similar to natural or adoptive children in the home as far as participation in normal family life is concerned.~~
- f. No change.
- g. Be able to ~~separate from~~ support the case permanency plan for the foster child and not hamper return be willing to the natural home cooperate with visits, transportation, or other activities that support the child's connection to and reunification with the child's family.
- h. No change.

**113.12(6) *Determination of characteristics.*** The areas discussed in 113.12(4) and 113.12(5) shall be explored through observation of the family and interviews with family members and documented in a foster home study, ~~using the PS MAPP family profile format as described in subrule 113.3(4). The home study shall be maintained in the foster family record.~~ Any additional areas that the family or worker identifies as a possibility for creating problems shall also be documented in the foster family record.

This rule is intended to implement Iowa Code section 237.3.

ITEM 22. Amend subrule 113.14(1) as follows:

**113.14(1)** At least three additional unsolicited references shall be checked for all foster family home applicants in addition to ~~the~~ a minimum of three references provided by the applicant.

ITEM 23. Amend rule 441—113.15(237) as follows:

**441—113.15(237) Unannounced visits.**

**113.15(1)** The department's recruitment and retention contractor shall make unannounced visit shall occur visits during periods of the day when the child and foster parents would normally be at home and awake, unless there has been a specific complaint about the family and care of the child.

**113.15(2)** The unannounced visit ~~may~~ shall include, but is not limited to, assessment of the following areas:

- a. Cleanliness of the home Home environment.
- b. ~~Cleanliness and appropriateness of the child's clothing~~ Who was present at the time of the visit.
- c. Interaction between the foster child and foster family and their children.
- d. and e. No change.
- f. Any previously or currently cited deficiencies, corrective action plans and progress.
- g. Any previous or current concerns from department workers.
- h. Discussion of placements during the licensing year and, if none, the reason why.
- i. Progress on completing training in the foster parents' training plan.
- j. Awareness of the foster parents' license capacity and compliance.
- k. Recommended action.

**113.15(3)** ~~Impressions of the unannounced visit shall be shared with foster parents.~~ An unannounced visit to the foster home:

- a. Shall be completed annually;
- b. Shall not be waived; and
- c. Shall not occur in conjunction with license renewal.

**113.15(4)** ~~A written report summarizing the visit~~ The findings from the unannounced visit shall be summarized on Form 470-4512, Unannounced Visit Report.

- a. The report shall be sent to the department licensing worker and the foster parents within two weeks after the visit.
- b. A copy of the report shall be retained in the foster parents' record.

**113.15(5)** Actions after the unannounced visit.

a. When deficiencies are cited that do not appear likely to cause immediate physical or mental harm to the child, an additional visit may be scheduled. The department licensing worker and the recruitment and retention contractor shall discuss the deficiencies with the foster parents and make suggestions for improving the deficiencies.

b. When the reported deficiencies raise questions of concern as to the quality of care provided, the licensing worker recruitment and retention contractor shall:

(1) report Report to the department licensing worker and to the placement worker, for each foster child currently placed in the home;

(2) suggesting Hold a meeting with the department licensing worker and the foster parents to discuss deficiencies and suggestions for improving the deficiencies, and following the discussion obtaining complete a written commitments from the foster parents corrective action plan as to how the foster parents intend to correct address the deficiencies.

c. When the reported deficiencies appear likely to cause immediate physical or mental harm to the child, the service area manager immediately shall or designee shall immediately:

- (1) and (2) No change.

**113.15(6)** When the foster parents refuse to make a written commitment to improve the deficiencies, the department licensing worker shall ~~de~~ conduct a complete review of the foster home to determine if the license should be revoked according to rule 441—112.6(237).

This rule is intended to implement Iowa Code section 237.7.

ITEM 24. Amend subrules 113.16(3), 113.16(4) and 113.16(6) as follows:

**113.16(3)** *Educational opportunity.* Every foster child shall be given the opportunity to complete high school or vocational training in accordance with the child's ~~aptitude~~ case permanency plan. The foster parent shall be an advocate for the foster child by working with the foster child's school.

**113.16(4)** ~~*Religious training*~~ Religion and culture. Each child shall be given an opportunity, ~~for religious training~~ in consultation with the child's parents, to participate in the child's culture and religion. ~~Whenever practicable, the child shall be placed with foster parents of the child's own religious faith, or in accordance with the wishes of the biological or adoptive parents.~~ Children shall not be required to participate in religious training or observances contrary to the wishes of the biological, or adoptive family, or the religious beliefs of the child.

**113.16(6)** *Work assignments.* Work assignments shall be in keeping with the ~~total healthy~~ child's age and development of the child.

a. Exploitation of the child is prohibited. No child shall be permitted to do any hazardous tasks or to engage in any work which is in violation of the child labor laws of the state.

b. Each child shall have the opportunity to learn to assume some responsibility for self and for household duties in accordance with the child's age, health and ability. However, assigned tasks shall not deprive the child of school, sleep, play or study periods.

ITEM 25. Amend rule 441—113.18(237) as follows:

**441—113.18(237) Training and discipline of foster children.**

**113.18(1)** *Foster parents' methods of training and discipline.* The evaluation of the foster parent shall include a discussion and written report of the foster parents' methods of training and discipline.

Discipline shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

**113.18(2) Restrictions on training and discipline.** Child training and discipline shall be handled with kindness and understanding.

a. A child shall not be locked in a room, closet, box, or other device.

b. No child shall be deprived of food as punishment.

c. No child shall be subjected to verbal abuse, threats or derogatory remarks about the child or the child's family.

d. Use of corporal punishment is prohibited.

e. Restraints shall not be used as a form of discipline.

(1) Reasonable physical force may be used to restrain a child only in order to prevent injury to the child, injury to others, the destruction of property, or extremely disruptive behavior.

(2) The foster parent shall receive training on the safe and appropriate use of restraints which has been approved as a part of the treatment plan by a licensed practitioner of the healing arts who is working with the child.

**113.18(3)** No change.

This rule is intended to implement Iowa Code sections 234.40 and 237.3.

ITEM 26. Amend subrule 113.19(1) as follows:

**113.19(1) Supervision and arrangements for emergency care.**

a. Foster parents shall provide supervision of foster children and children in preadoptive placement as dictated by the individual child's specific needs and in agreement with the supervising agency.

b. In case of emergency requiring the foster parents' temporary absence from the home, arrangements shall be made with other licensed foster parents or with designated, responsible persons for the care of the children during the period of absence. The child's placement worker shall be notified of all emergency absences of the foster parents.

ITEM 27. Amend rule 441—113.20(237) as follows:

**441—113.20(237) Changes in foster family home.** Foster parents shall notify the department and the recruitment and retention contractor within ~~30~~ seven working days of ~~any change in the number of persons living in the home or of a move to a new home;~~

1. Any change in the number of persons living in the home (except for foster children);

2. A move to a new home; or

3. Any circumstances in the home that could negatively affect the health, safety or welfare of a child in the family's care

This rule is intended to implement Iowa Code section 237.3.

ITEM 28. Amend **441—Chapter 117** as follows:

## CHAPTER 117

### FOSTER PARENT TRAINING

#### PREAMBLE

These rules describe required foster parent orientation, preservice training and ~~preplacement orientation~~ in-service training. Their purpose is to ensure that the training and orientation ~~is~~ are effective in preparing foster parents for their role.

These rules also describe the standards for training and orientation and the procedure to be approved as a training provider.

**441—117.1(237) Required preservice training.** Foster parent preservice training shall be offered by the department or by a licensed child-placing agency through a training program that has been approved by the department pursuant to rule 441—117.5(237).

~~117.1(1) *Providers of preservice Preservice training requirement.* The required foster parent preservice training program shall be offered by the department or by a licensed child placing agency with a training program that has been approved by the department. Each individual foster parent applicant shall complete the entire “Partnering for Safety and Permanence: Model Approach to Partnership in Parenting” (PS-MAPP) curriculum developed by the Child Welfare Institute.~~

~~a. Applicants shall complete PS-MAPP training before receiving a license for the first time.~~

~~b. Applicants shall retake PS-MAPP if they do not complete the curriculum within 24 months after initially commencing it.~~

~~c. The department may waive the PS-MAPP training requirement in whole or in part when the department finds that:~~

~~(1) The applicant has completed relevant training or has a combination of relevant training and experience that is an acceptable equivalent to all or a portion of the required preservice training; or~~

~~(2) There is good cause for the waiver based upon the circumstances of the child and the applicant.~~

~~117.1(2) *Preservice training program approval requirements:*~~

~~a. *Content.* The program shall be designed to assist prospective foster parents in developing the understanding the philosophy and goals of foster care and the skills required of a foster parent and abilities that are essential to promote children’s safety, permanence, and well-being. The program shall address the following topics:~~

~~(1) to (11) No change.~~

~~The curriculum developed by the Child Welfare Institute “Partnering for Safety and Permanence: Model Approach to Partnership in Parenting” (PS MAPP) shall be considered as meeting this requirement.~~

~~b. *Length.* The entire PS-MAPP program shall total at least 30 hours of contact between leaders and participants. The department and each licensed child placing agency offering the mandatory 30 hours of PS MAPP training department’s recruitment and retention contractor shall devise a procedure for parents applicants to make up any portions of training which are missed.~~

~~c. No change.~~

~~d. *Group method.* The program shall be provided in groups that consist of six or more persons. The training shall be offered to a foster family individually only when the foster family is unable to attend group training for reasons such as serious medical conditions, as approved by the social work administrator or designee.~~

~~e. and f. No change.~~

~~g. *Training records.* A record of the foster parents applicants who begin and complete the training and of the training program evaluations shall be submitted to the department office for the location in which the training was provided recruitment and retention contractor at the end of each 30-hour PS-MAPP session.~~

~~117.1(3) *Universal precautions.* Before licensure, each individual foster parent shall complete one hour of training related to the use and practice of universal precautions. Training shall be completed through the approved individual self-study course, “Universal Precautions in Foster and Adoptive Resource Family Homes.”~~

**441—117.2(237) Required ~~preplacement~~ orientation.** All foster parent applicants shall attend orientation before attending PS-MAPP training and before a foster child is placed in their home. Orientation shall not count toward the required 30 hours of preservice training.

**117.2(1) *Method of provision.*** The recruitment and retention contractor may provide orientation ~~may be provided:~~

~~a. ~~in~~ In an individual meeting of the worker with one set of foster parents parent applicants; or~~

~~b. ~~in~~ In a group setting.~~

**117.2(2) *Provider.*** Orientation shall be provided by the department or licensed child placing agency recruitment and retention contractor completing the family’s licensing study. The agency intending to place children in foster care in the home shall review the orientation with the foster parent prior to placement.

**117.2(3) Content.** Orientation shall be designed to ~~acquaint~~ provide the foster parent applicant with information on the policies and procedures of the foster care program, and adoption programs and shall include the following:

a. and b. No change.

c. ~~Reimbursement~~ Foster family reimbursement information and adoption subsidy information if applicable.

d. and e. No change.

**441—117.3(237) Application materials for in-service training.** Applications for approval of an in-service training program shall be submitted on Form 470-2541, Foster Parent Training Application, ~~with the following materials:~~ and must be approved before the delivery of the training. Applications submitted after a training is completed shall not be approved.

**117.3(1)** A detailed program description, including objectives, agenda, content, participant materials and time frames or a statement that the Child Welfare Institute “Partnering for Safety and Permanence: Model Approach to Partnership in Parenting” (PS-MAPP), as described in paragraph 117.1(2) “a,” ~~will be the preservice program taught.~~ Except for cardiopulmonary resuscitation and first-aid training, foster parent in-service training shall meet the requirements in rule 441—117.7(237).

**117.3(2)** Applications shall be submitted with the following materials:

a. A detailed training program description relative to a foster parent, including objectives, program agenda, content, participant materials, and time frames.

b. Names of program instructors and their qualifications to provide the training.

~~117.3(3) Rescinded IAB 8/9/89, effective 10/1/89.~~

~~117.3(4) Rescinded IAB 8/9/89, effective 10/1/89.~~

~~117.3(5) A sample of the evaluation tool to be used (for preservice training only).~~

**441—117.4(237) Application process for in-service training.**

**117.4(1)** No change.

**117.4(2) Individual training.** Applications for approval for individual training, college credit, written materials, ~~or movies~~ DVDs or videotapes shall be submitted to the department office for the service area in which the foster family resides.

**441—117.5(237) Application decisions.** The department shall notify the applicant of its decision regarding the application for approval of in-service training within 30 days of receipt of the training materials described in rule 441—117.3(237). This notification shall include the reason for not giving approval if approval is denied.

**117.5(1) Approval.** Foster parent training programs which meet the criteria in rule 441—117.1(237) or in rule 441—117.7(237), and which are submitted pursuant to rules 441—117.3(237) and 441—117.4(237) shall be approved by the department. In-service training completed before the program has received department approval shall not count toward the required six credit hours of in-service training. In-service training approvals are valid for one year.

**117.5(2) to 117.5(4)** No change.

**441—117.6(237) Application conference available.** If an applicant or provider of training objects in writing within seven days after the notification of the department’s decision to deny ~~or revoke~~ approval, the ~~service area manager~~ social work administrator shall review the decision to determine if the original decision shall stand. The decision of the ~~service area manager~~ social work administrator is final and is not subject to an appeal.

**441—117.7(237) Required in-service training.** Training is required to assist foster parents in confidently and effectively addressing the needs of children placed in foster care. The Foster Parent Training Plan, Form 470-3341, shall be used to address in-service training needs. The training plan shall be developed with the department or retention and recruitment contractor and the foster parent at annual licensing renewal.

**117.7(1) Providers of in-service training.** Foster parent in-service training may be provided by the department, a licensed child-placing or child-caring agency, or an agency, institution, or association with expertise in any of the training content areas in subrule 117.7(2), paragraph “a.” Agencies, institutions, or associations wishing to have a foster parent in-service training program or workshop approved shall submit application materials pursuant to rules 441—117.3(237) and 441—117.4(237).

**117.7(2) In-service training program approval requirements.**

*a. Content.* The program shall relate to the foster parent’s role in providing foster care and the skills needed by a foster parent. Training shall ~~address one or more of the following topics:~~ be specific to developing each foster parent’s skills for addressing the needs of foster children.

~~Adolescence.~~

~~Adoption issues.~~

~~Cardiopulmonary resuscitation (CPR) or first aid.~~

~~Child abuse dynamics and effects.~~

~~Child abuse identification and reporting.~~

~~Child development.~~

~~Communication.~~

~~Confidentiality.~~

~~Conflict resolution in the family.~~

~~Crisis intervention.~~

~~Discipline and behavior management.~~

~~Educational needs of all children in foster care and working with the educational system.~~

~~Emotional and mental health needs of children and working with the mental health system.~~

~~Family dynamics.~~

~~Health needs of children in foster care and working with the medical system.~~

~~Identification, utilization and role of support systems.~~

~~Impact of physical abuse, neglect and sexual abuse.~~

~~Independent living skill training.~~

~~Juvenile court process.~~

~~Lifebooks.~~

~~Medical management for children.~~

~~Mental retardation and developmental disabilities in childhood.~~

~~Parenting.~~

~~Participation in juvenile court hearings.~~

~~Participation in foster care reviews.~~

~~Passive restraint of children.~~

~~Permanency planning.~~

~~Physical disabilities in children.~~

~~Physical therapy with children.~~

~~Record keeping for foster care.~~

~~Role of guardian ad litem and court appointed special advocate (CASA).~~

~~Self-care skill training with children.~~

~~Separation and attachment.~~

~~Sexuality of children.~~

~~Sign language.~~

~~Stress and foster parenting.~~

~~Substance abuse in children.~~

~~Suicide prevention with children.~~

~~Teamwork and team approach to foster care case planning.~~

~~Understanding, supporting, and working with the child’s birth family.~~

~~Use of community resources for children and families.~~

~~Other topics related to foster parenting or the needs of a child in placement.~~

*b. Method.* The training shall be provided through one or more of the following methods:

- (1) to (3) No change.
- (4) ~~Movies~~ DVDs or videotapes.
- (5) Internet training classes offered through the Iowa Foster and Adoptive Parents Association (IFAPA).

(6) Internet training classes offered through www.fosterparents.com, except for cardiopulmonary resuscitation and first-aid trainings, which are not approved. These Internet classes cannot be repeated for training credit within a five-year period.

*c. Credit hours.* Credit hours for approved training shall be as follows:

- (1) and (2) No change.
- (3) ~~Movies~~ DVDs or videotapes shall receive one credit hour for each two program hours.
- (4) No change.
- (5) ~~Self Instructional Pieces shall receive one credit hour per piece.~~ Internet training classes shall receive one credit hour for each two program hours. A maximum of three hours of training credit per year may be earned through the Web site www.fosterparents.com.

*d. Approved training.* The following training programs shall be considered as meeting the in-service training requirements:

- (1) to (3) No change.
- (4) ~~Self Instructional Piece Series (SIPS) published by American Foster Care Resources, Inc.~~

**117.7(3) Foster parent training requirements.** Each individual foster parent shall complete six credit hours of department-approved in-service training annually. Failure to meet the requirement for in-service training hours will result in denial of the license renewal.

*a. Training cycle.* “Annually” means within the annual training cycle as described in this paragraph.

(1) Initial license. For a newly licensed foster parent, the initial training cycle shall be the 10-month period ending two months before the license expires. EXAMPLE: The initial training cycle for a new license effective June 1 is June 1 through March 31.

(2) Renewal license. For a license renewal, the annual training cycle shall be the 12-month period beginning two months before the expiration of the previous license and ending two months before the expiration of the subsequent license. EXAMPLE: Subsequent training cycles for a license effective June 1 will be April 1 through March 31.

(3) Transition period. For all foster parents who have a license with an effective date of September 1, 2008, to August 1, 2009, the transition to the new training cycle shall take place through a 10-month training cycle that begins at the next license renewal.

*b. Content.* The choice of in-service training shall be based upon an assessment of the foster parent’s training needs made by the foster parent and the recruitment and retention contractor in collaboration with the department licensing worker.

- (1) Each foster parent must complete the specific training required in rule 441—117.8(237).
- (2) At least three credit hours of the annual training shall be group training.
- (3) Except for the classes for mandatory reporters, cardiopulmonary resuscitation, and first aid, training credit will not be allowed for any in-service training class that is repeated.

*c. Documentation.* Each individual foster parent shall submit Form 470-2540, Foster Parent Training Report, to the recruitment and retention contractor within 30 days after completion of each in-service training.

**441—117.8(237) Advisory committee Specific in-service training required.** Rescinded IAB 12/11/02, effective 2/1/03.

**117.8(1) Medication management.** Within the initial training cycle, each individual foster parent shall complete one hour of training related to the use and practice of medication management.

*a.* Training shall be completed through the approved individual self-study course, “Medication Management.”

*b.* One hour of in-service training credit shall be allowed for completion of this self-study course. This course cannot be repeated for in-service training credit.

c. Foster parents who are already licensed on September 1, 2009 [the expected effective date of this rule], shall complete this training by September 1, 2010.

117.8(2) *Cardiopulmonary resuscitation (CPR)*. All foster parents shall be certified in CPR every three years and shall maintain a certificate indicating the date of training and expiration.

a. The training shall be provided by:

(1) A nationally recognized training organization, such as the American Red Cross, the American Heart Association, the National Safety Council, or Emergency Medical Planning (Medic First Aid); or

(2) An equivalent certified trainer and curriculum approved by the department.

b. Newly licensed foster parents shall complete the training before the end of their initial training cycle. Foster parents who are already licensed on September 1, 2009 [the expected effective date of this rule], shall complete this training by September 1, 2010.

117.8(3) *First aid*. All foster parents shall be certified in first aid every three years and shall maintain a certificate indicating the date of training and expiration. Newly licensed foster parents shall complete the training before the end of their initial training cycle. Foster parents who are already licensed on September 1, 2009 [the expected effective date of this rule], shall complete this training by September 1, 2010.

117.8(4) *Child abuse reporting*. Each foster parent shall complete approved training relating to the identification of child abuse and requirements and procedures for the reporting of child abuse pursuant to Iowa Code section 232.68.

a. *Training cycle*. Newly licensed foster parents shall complete mandatory reporter training before the end of their initial training cycle. The training shall be repeated every five years thereafter.

b. *Training provider*. The foster parent shall be responsible for obtaining the required two-hour mandatory reporter training in child abuse identification and reporting as approved by the Iowa department of public health. A list of approved training opportunities is available at: [http://www.idph.state.ia.us/bh/abuse ed review.asp](http://www.idph.state.ia.us/bh/abuse_ed_review.asp).

c. *Documentation*. The foster parent shall secure documentation of the training content, amount, and provider and shall forward the documentation to the recruitment and retention contractor, who will provide the documentation to the department for inclusion in the licensing file.

117.8(5) *Caring for children with HIV*. Before placement of an HIV-infected child occurs, the foster parents shall complete the course “Caring for Children With HIV” or an approved alternative course that contains information on the unique aspects of pediatric HIV disease, transmission and infection control, the spectrum of HIV disease, confidentiality, death and bereavement, and self-care for the caregiver.

441—117.9(237) *Foster parent training expenses*. No expense stipend is provided for orientation or preservice training.

117.9(1) *Training stipend*. Each family that is issued an initial or renewal foster home license shall receive a \$100 stipend to be used for the family’s annual in-service training. The department’s recruitment and retention contractor shall issue one stipend per license on or after the date that the license is issued. Foster families who elect not to receive the \$100 stipend shall notify the department.

117.9(2) *Trainer fees*. Foster parents and social workers who serve as trainers for approved preservice training programs shall each be paid a contract fee per class hour appropriate to community standards based upon the education and experience of each trainer. These rates shall be negotiated between the recruitment and retention contractor and the trainer.

These rules are intended to implement Iowa Code section 237.5A.

ITEM 29. Amend 441—Chapter 156, title, as follows:

PAYMENTS FOR FOSTER CARE  
AND FOSTER PARENT TRAINING

ITEM 30. Rescind the definitions of “Basic family foster care,” “Basic maintenance payment,” “Difficulty of care maintenance payment,” “Mentally retarded,” “Personal allowance,” “Required school fees” and “Substance abuse treatment supervisor” in rule **441—156.1(234)**.

ITEM 31. Amend rule **441—156.1(234)**, definitions of “Cost of foster care,” “Family foster care supervision,” “Foster care,” “Foster family care,” “Mental health professional,” “Mental retardation professional” and “Special needs child,” as follows:

“*Cost of foster care*” means the maintenance and supervision costs of foster family care, the maintenance costs and child welfare service costs of group care, and the maintenance and service costs of supervised apartment living and shelter care. The cost for foster family care supervision and for supervised apartment living services, when provided directly by the department caseworker rather than purchased from a provider, shall be \$250 per month. When using this average monthly charge results in unearned income or parental liability being collected in excess of the cost of foster care, the excess funds shall be placed in the child’s escrow account. The cost for ~~foster family supervision and supervised apartment living services purchased from a private provider~~ shall be the actual costs paid by the department.

“*Family foster care supervision*” means the support, assistance, and oversight provided by department ~~or private agency~~ caseworkers to children in family foster care which is directed toward achievement of the child’s permanency plan goals.

“*Foster care*” means substitute care furnished on a 24-hour-a-day basis to an eligible child, in a licensed or approved facility, by a person or agency other than the child’s parent or guardian, but does not include care provided in a family home through an informal arrangement for a period of ~~less than~~ 20 days or less. Child foster care shall include but is not limited to the provision of food, lodging, training, education, supervision and health care.

“*Foster family care*” means foster care provided in a single family living unit by a foster family licensed by the department according to 441—Chapter 113 or licensed or approved by the state in which it is located. The care includes the provision of food, lodging, clothing, transportation, recreation, and training that is appropriate for the child’s age and mental and physical capacity.

“*Mental health professional*” means ~~the same as defined in rule 441—24.61(225C,230A):~~ a person who meets all of the following conditions:

1. Holds at least a master’s degree in a mental health field including, but not limited to, psychology, counseling and guidance, psychiatric nursing and social work; or is a doctor of medicine or osteopathic medicine; and
2. Holds a current Iowa license when required by the Iowa professional licensure laws (such as a psychiatrist, a psychologist, a marital and family therapist, a mental health counselor, an advanced registered nurse practitioner, a psychiatric nurse, or a social worker); and
3. Has at least two years of postdegree experience supervised by a mental health professional in assessing mental health problems, mental illness, and service needs and in providing mental health services.

“*Mental retardation professional*” means ~~the same as defined in the department of inspections and appeals subrule 481—57.1(15)~~ a psychologist, physician, registered nurse, educator, social worker, physical or occupational therapist, speech therapist or audiologist who meets the educational requirements for the profession, as required in the state of Iowa, and has one year of experience working with persons with mental retardation.

“*Special needs child*” means a child with ~~one or more of the following conditions:~~ needs for emotional care, behavioral care, or physical and personal care which require additional skill, knowledge, or responsibility on the part of the foster parents, as measured by Form 470-4401, Foster Child Behavioral Assessment. See subrule 156.6(4).

1. The child has been diagnosed by a physician to have a disability which substantially limits one or more major life activities; and requires professional treatment, assistance in self care, or the purchase of special adaptive equipment.

~~2. —The child has been determined by a qualified mental retardation professional to have mental retardation.~~

~~3. —The child has been diagnosed by a qualified mental health professional to have a psychiatric condition which impairs the child’s mental, intellectual, or social functioning.~~

~~4. —The child has been diagnosed by a qualified mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior, which deviates substantially from behavior appropriate to the child’s age or which significantly interferes with the child’s intellectual, social, or personal adjustment.~~

~~5. —The child has been diagnosed by a qualified medical professional, mental health professional, or substance abuse treatment supervisor as having a substance abuse problem.~~

~~6. —The child is an unaccompanied refugee minor.~~

~~7. —The child has been adjudicated delinquent.~~

~~8. —The child has been diagnosed as HIV infected or has had an HIV positive test result by a qualified medical professional.~~

ITEM 32. Amend subrule 156.6(5) as follows:

**156.6(5) *Payment method.*** All foster family maintenance payments ~~to foster families supervised by the department or a licensed private child caring agency~~ shall be made directly to the foster family ~~by the department.~~

ITEM 33. Adopt the following **new** subrule 156.6(6):

**156.6(6) *Return of overpayments.*** When a foster family has received payments in excess of those allowed under this chapter, the department caseworker shall ask the foster family to return the overpayment. If the foster family is returning the overpayment to the department, the caseworker will note the monthly amount the foster family agrees to pay in the family’s case file. The amount returned shall not be less than \$50 per month.

ITEM 34. Amend rule 441—156.8(234), catchwords, as follows:

**441—156.8(234) *Special needs* Additional payments.**

ITEM 35. Amend paragraph **156.8(1)“a”** as follows:

*a.* A second clothing allowance, not to exceed \$200 for family foster care and \$100 for all other levels, may be approved, not more than once within a calendar year, by the department worker when a child in foster care needs clothing to replace lost clothing or because of unusual growth or weight change, and the child does not have sufficient escrow funds to cover the cost.

ITEM 36. Amend subrules 156.8(6) to 156.8(8) as follows:

**156.8(6) *School fees.*** Payment for required school fees of a child in foster family care or supervised apartment living ~~exceeding that exceed~~ \$5 may be authorized by the department worker in an amount not to exceed \$50 per calendar year if the child does not have sufficient escrow funds to cover the cost. Required school fees shall include:

*a.* Fees required for participation in school or extracurricular activities; and

*b.* Fees related to enrolling a child in preschool when a mental health professional or a mental retardation professional has recommended school attendance.

**156.8(7) *Respite care.*** The service area manager or designee may authorize respite for a child in family foster care for up to 24 days per calendar year per placement. Respite shall be provided by a licensed foster family. The payment rate to the respite foster family shall be the rate authorized under rule 441—156.6(234) to meet the needs of the child, ~~with the exception of paragraphs 156.6(4)“b” and “e.”~~

~~*a.* —Rescinded IAB 11/8/06, effective 11/1/06.~~

~~*b.* —Rescinded IAB 11/8/06, effective 11/1/06.~~

~~*e.* —Rescinded IAB 11/8/06, effective 11/1/06.~~

**156.8(8) Tangible goods, child care, and ancillary services.** To the extent that a foster child's escrow funds are not available, the service area manager or designee may authorize reimbursement to foster parents for the following:

a. No change.

b. Child care services when the foster parents are working, the child is not in school, and the provision of child care is identified in the child's case permanency plan.

(1) Child care services shall be provided by a licensed foster parent or a licensed or registered child care provider when available.

(2) When foster parents elect to become child care providers, they shall be registered pursuant to 441—Chapter 110. However, foster parents shall not displace a foster child to another child care facility to benefit their child care business.

c. to f. No change.

ITEM 37. Amend subrule 156.10(2) as follows:

**156.10(2) Foster family care.**

a. *Family visits.* Reserve bed payment shall be made for days a foster child is absent from the foster family home for family visits when the absence is in accord with the following:

(1) to (8) No change.

b. *Hospitalization.* Reserve bed payment shall be made for days a foster child is absent from the foster family home for hospitalization when the absence is in accord with the following:

(1) to (3) No change.

(4) If the department and the foster family agree that the return would not be in the foster child's best interest, payment shall be canceled effective the day after the joint decision not to return the child.

(5) to (7) No change.

c. *Runaways.* Reserve bed payment shall be made for days a foster child is absent from the foster family home after the child has run away when the absence is in accord with the following:

(1) to (7) No change.

d. *Preplacement visits.* Reserve bed payment shall be made when a foster child is making a planned preplacement visit to another foster care placement or an adoptive placement when the absence is in accord with the following:

(1) and (2) No change.

(3) ~~Staff from the foster family home shall be available to provide support to the child and provider during the visit.~~ Reserved.

(4) and (5) No change.

(6) ~~If services are purchased, the provider shall document the use of reserve bed days in the daily log and report the number of reserve bed days claimed in the quarterly report.~~

ITEM 38. Amend rule 441—156.17(234) as follows:

**441—156.17(234) Adoptive Preadoptive homes.** Payment for a foster care for a child placed in an adoptive a preadoptive home will only be made when the placement is made in anticipation of a subsidized adoption. The payment shall be limited to the amount anticipated for subsidy, and shall terminate when the adoption decree is granted negotiated pursuant to rule 441—201.5(600) and shall not exceed the foster care maintenance amount paid in family foster care.

This rule is intended to implement Iowa Code section 234.38.

ITEM 39. Rescind and reserve rule ~~441—156.18(237)~~.

ITEM 40. Amend subrule 156.20(2) as follows:

**156.20(2) Provider eligibility for payment.** ~~Except for payments for foster parents or youth in supervised apartment living, payment shall be limited to providers with a purchase of service contract in force.~~

a. Providers of shelter care services and supervised apartment living services shall have a purchase of service contract under 441—Chapter 150 in force.

b. Providers of group care services shall have a ~~purchase of rehabilitative treatment and supportive foster group care services contract under 441—Chapter 152 in force.~~

ITEM 41. Rescind the definition of “Easy-to-place child” in rule **441—200.1(600)**.

ITEM 42. Amend rule **441—200.1(600)**, definitions of “Foster family adoption,” “Postadoption services” and “Preadoptive family,” as follows:

“*Foster family adoption*” means the adoption of a child by a licensed foster family who has cared for the child before the termination of parental rights to the child.

“*Postadoption services*” includes those services that an adoptive family may access after the adoption is finalized. ~~These services may be obtained through community resources, the department, or support groups,~~ to assist the family in coping with and resolving problems within the family.

“*Preadoptive family*” means an approved adoptive family with a child placed in the home for adoption whose adoption has not been finalized.

ITEM 43. Adopt the following new definitions in rule **441—200.1(600)**:

“*Family safety, risk, and permanency service*” means a service provided under 441—Chapter 172 that uses strategies and interventions designed to achieve safety and permanency for a child with an open department child welfare case, regardless of the setting in which the child resides.

“*Recruitment and retention contractor*” means the entity that contracts with the department statewide to recruit foster and adoptive parents, complete home studies, and perform activities to support and encourage retention of foster and adoptive parents, or any of its subcontractors.

“*Relative within the fourth degree of consanguinity*” means an adult who is related to a child as follows:

1. The child’s parent, brother, or sister (first degree);
2. The child’s grandparent, aunt, uncle, niece, nephew, or first cousin (second degree);
3. The child’s great grandparent, great aunt, great uncle, great niece, great nephew, first cousin once removed, or second cousin (third degree); or
4. The child’s great-great grandparent, great-grand aunt, great-grand uncle, great-grand niece, great-grand nephew, first cousin twice removed, second cousin once removed, or third cousin (fourth degree).

ITEM 44. Amend subrule 200.2(3) as follows:

**200.2(3) Forms.** ~~Forms 470-3615, Background Report Part 1, and 470-3698, Background Report Part 2, A child study shall be completed for all children who are adopted under Iowa Code chapter 600 using the outline RC-0027, Social History Format.~~ All forms used to execute a release of custody shall comply with the requirements of Iowa Code chapters 600 and 600A.

ITEM 45. Amend subrule **200.2(4)**, introductory paragraph, as follows:

**200.2(4) Affidavit and documentation.** The person providing the counseling shall complete Form 470-3164 or 470-3164(S), Counseling Affidavit, certifying that the counselor has provided the biological parent with the requested counseling or that the biological parent has refused counseling. ~~Form 470-3164~~ The Counseling Affidavit and documentation that the person providing the counseling is qualified to provide the requested counseling shall be attached to the release of custody. Documentation shall include one of the following:

ITEM 46. Amend rule 441—200.3(600) as follows:

**441—200.3(600) Application.** Persons wishing to apply to adopt a child through the department shall use Form ~~470-0771~~ 470-0743 or 470-0743(S), Application for Adoption. An application for adoption shall only be accepted for children who are under the guardianship of the department.

**200.3(1) Limitations.** ~~No applications shall be accepted or approved in any department office for the adoption of an easy-to-place child.~~ The department and its recruitment and retention contractor shall accept only applications for adoption of a special needs child. ~~Those applicants~~ Applications for adoption of a child without special needs shall be referred to private child-placing agencies. Exceptions to this rule may be made for:

- ~~a. relatives~~ Relatives of a child under the guardianship of the department; or
- ~~b. foster~~ Foster parents ~~applying to adopt a child~~ with whom the child has a significant relationship.

~~a. —Foster parents. Foster parents shall be given consideration for selection as the adoptive family for a child in the foster parent’s care who is legally available for adoption if the child has been in the foster parent’s care for one year or longer, or the child has a significant relationship with the family.~~

~~b. —Relatives. —A relative who is within the fourth degree of consanguinity shall be given consideration for selection as the adoptive placement for a child who is legally available for adoption if the child has a significant relationship with the relative, or the child is aged 14 or over and elects adoption by the relative.~~

**200.3(2) Procedures.** ~~An application for a special needs child shall be accepted by any department office or by the department’s recruitment and retention contractor. If a family assessment and home study cannot be begun by a department worker within 90 days, a referral shall be made to purchase a home study from a provider with whom the department has a purchase of service contract within available funding. Prior to completion of~~ Before a home study is completed, applicants shall:

~~a. complete~~ Complete Form 470-0771, Foster Care and Adoption Home Study Packet, 470-0743 or 470-0743(S), Application for Adoption, and

~~b. ensure~~ Ensure that Form 470-0720, Physician’s Report for Foster and Adoptive Parents, is completed by ~~their~~ the applicant’s family physician.

ITEM 47. Amend rule 441—200.4(600) as follows:

**441—200.4(600) Components of adoption** ~~Adoption services.~~ Adoption services are as follows shall include: adoptive home study, preparation of child, selection of family, preparation of family, preplacement visits, placement services, and postplacement services.

**200.4(1) Adoptive home study.** ~~This component includes~~ The recruitment and retention contractor shall prepare an adoptive home study through the following activities:

~~a. to d.~~ No change.

~~e. Procedure for foster parent adoptions.~~ When a licensed foster parent applies for approval as an adoptive home, home study activities that have been completed within the previous year as part of a licensing study pursuant to 441—Chapter 113 need not be repeated.

**200.4(2) Preparation of child.** ~~This component includes~~ The department adoption worker shall conduct specific activities designed to enable a child to make the transition to an adoptive placement or refer the child to the family safety, risk, and permanency services contractor or other professionals. The activities shall include, but are not limited to:

~~a. to e.~~ No change.

**200.4(3) Selection of family.** ~~This component includes the activities necessary to select the~~ The family which that can best meet the needs of the adoptive child- shall be selected as follows:

~~a. Prior to~~ Before preplacement visits occur, a staffing of the child conference shall be held to select an approved family. A minimum of two social workers and a supervisor shall be included in the staffing conference. The child’s special needs, characteristics, and anticipated behaviors shall be reviewed in the staffing conference to determine a family that can best meet the needs of the child. Approved families shall also be reviewed in an effort to match the specific family’s parenting strengths with a particular child’s needs.

~~b.~~ The following selection criteria shall be observed:

~~a. (1)~~ (1) Preference shall be given to placing children from the same birth family together. If placement together is not possible, or is not in the best interest of the children, the reasons shall be identified and documented in each child’s case record. Efforts shall be made to ensure continuous contact between siblings when the siblings are not placed together.

~~b. (2)~~ (2) Race, color, or national origin may not be routinely considered in placement selections. Placement decisions shall be made consistent with the best interests and special needs of the child.

~~e. (3)~~ (3) ~~A child who is sexually active and at risk of or is HIV positive shall not be placed in a family where other children reside due to the risk of transmission.~~ A relative who is within the fourth degree of consanguinity shall be given consideration for selection as the adoptive family for a child who

is legally available for adoption if the child has a significant relationship with the relative or the child is aged 14 or older and elects adoption by the relative.

(4) Foster parents shall be given consideration for selection as the adoptive family for a child in the foster parents' care who is legally available for adoption if the child has been in the foster parents' care for one year or longer or the child has a significant relationship with the family.

200.4(4) Preparation of family. This component includes The recruitment and retention contractor and the department adoption worker shall conduct activities designed to assist the adoptive family in expanding its knowledge and understanding of the child or children. This component These activities should enhance the family's readiness to accept the child or children into their family and encourage their commitment. A referral may be made for family safety, risk, and permanency services if needed. The activities shall include, but are not limited to:

a. to h. No change.

200.4(5) Preplacement visits. This component includes activities necessary to The department worker shall plan, conduct and assess the transitional visits between the adoptive family and the child or children prior to before the adoptive placement of the child in the home.

200.4(6) No change.

200.4(7) Postplacement services. Postplacement An adoptive family is eligible for postplacement services include supervision, support, crisis intervention and required reports. Postplacement supervision is provided from the time a child is placed with an adoptive the family until finalization of the adoption occurs. The department adoption worker shall supervise the placement, provide ongoing support to the child and family, perform crisis intervention, and complete required reports. Assistance with behavioral interventions to strengthen the placement and prevent disruption may be provided through family safety, risk, and permanency services.

a. No change.

b. A At a minimum, of three the department adoption worker shall make monthly adoptive home visits are required or, until the adoption is final. If the family is experiencing problems, the worker shall make as many visits as are necessary to assess and support the placement.

Home visits shall be completed at a minimum as follows: one no later than 30 days after placement, one no later than 90 days after placement, and a final visit before requesting a consent to adopt. Supervisory reports based on observations shall be completed after the home visits using Form 470-0773, Supervisory Report.

c. A The department adoption worker shall prepare a written report based on the postplacement visits with recommendations regarding the finalization of the adoption shall be submitted and submit the report to the court prior to before the hearing to consider granting a decree of adoption.

200.4(8) Postadoption services. The department's recruitment and retention contractor shall provide postadoption services to families that are eligible for the department's adoption subsidy program in accordance with the contract. The goal of these services is to prevent adoption dissolution. The family may obtain additional support through community resources or support groups.

ITEM 48. Rescind and reserve rules **441—200.6(600)**, **441—200.7(600)** and **441—200.9(600)**.

ITEM 49. Amend rule 441—200.10(600) as follows:

#### **441—200.10(600) Requests for home studies.**

200.10(1) Court-ordered. Court-ordered home studies for adoption or custody of a child or children under the authority of the department shall be completed by department workers the department's recruitment and retention contractor. When a department worker completes the court-ordered home study, a fee shall be assessed the family based on subrule 200.7(2).

200.10(2) Interstate compact. Requests for an adoptive home study through the interstate compact process shall be completed by a department worker and the family assessed a fee based on the department's current fee schedule the department's recruitment and retention contractor. No fee shall be charged the family if they are a relative of the child within the fourth degree of consanguinity, or the family is the child's foster family.

~~200.10(3) Referrals. Families wishing to adopt an easy to place child shall be referred to a child placing agency or a certified adoption investigator for completion of the home study. Payment of a fee for completion of the home study shall be the family's responsibility.~~

ITEM 50. Amend rule 441—200.15(600) as follows:

**441—200.15(600) Requests for information for purposes other than research or treatment.** Requests for information from department adoption records for purposes other than research or treatment shall be made to the Department of Human Services, Division of ~~Behavioral, Developmental, Child and Protective~~ Family Services, Adoption Program, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

**200.15(1)** The department shall not release identifying information from sealed adoption records. Adult adoptees, adoptive parents, birth parents, siblings or descendants of an adopted person, or legal representatives of any of the above shall be provided:

- a. ~~an~~ An adoption packet containing a sample affidavit for filing with the court,
- b. ~~directions~~ Directions for filing the affidavit,
- c. ~~a~~ A list of county clerks of court, ~~and~~
- d. ~~the~~ The address of the bureau of vital statistics ~~which retains, and~~
- e. Instructions on how to obtain the name of the Iowa county where ~~their~~ the adoption was finalized ~~in Iowa, if necessary.~~

**200.15(2)** An adopted person who was a resident of the Annie Wittenmeyer Home (Iowa Soldier's and Sailor's Home) may receive nonidentifying information from Annie Wittenmeyer records if the information is available.

ITEM 51. Amend **441—Chapter 202**, title, as follows:

#### FOSTER CARE PLACEMENT AND SERVICES

ITEM 52. Amend rule **441—202.1(234)**, definition of "Foster care," as follows:

"*Foster care*" shall mean substitute care furnished on a 24-hour-a-day basis to an eligible child, in a licensed ~~foster care facility~~ or approved ~~shelter care facility~~, by a person or agency other than the child's parent or guardian, but does not include care provided in a family home through an informal arrangement for a period of ~~less than 30~~ 20 days or less. Child foster care shall include but is not limited to the provision of food, lodging, training, education, supervision, and health care.

ITEM 53. Adopt the following new definitions in rule **441—202.1(234)**:

"*Family safety, risk, and permanency service*" means a service provided under 441—Chapter 172 that uses strategies and interventions designed to achieve safety and permanency for a child with an open department child welfare case, regardless of the setting in which the child resides.

"*Foster family adoption*" means the adoption of a child by a licensed foster family who has cared for the child.

"*Resource family*" means an individual person or married couple who is licensed to provide foster family care or approved for adoption.

"*Social history*" or "*child study*" means a written description of the child that includes strengths and needs; medical, mental, social, educational, placement and court history; and the child's relationships with the birth family and significant others.

ITEM 54. Amend subrules 202.2(2) and 202.2(3) as follows:

**202.2(2)** The need for foster care placement and social and other related services, including, but not limited to, medical, psychiatric, psychological, and educational services, shall be determined by an assessment of the child and family to determine their needs and the appropriateness of services.

- a. Assessments shall include:
  - (1) ~~the~~ The educational, physical, psychological, social, family living, and recreational needs of the child, ~~and~~
  - (2) ~~the~~ The family's ability to meet those needs, ~~and~~

(3) A family genogram to determine relatives and other suitable support persons who have a kinship bond with the child.

b. The assessment is a continual process to identify needed changes in service or placement for the child.

**202.2(3)** With the exception of emergency care, a social history shall be completed on each child ~~prior to~~ before a department recommendation for foster care placement, using the outline RC-0027, Social History Format.

a. For voluntary emergency placements, a social history shall be completed before a decision is made to extend the placement beyond 30 days.

b. For court-ordered emergency placements, a social history shall be completed before the disposition hearing.

ITEM 55. Amend subrule 202.3(3) as follows:

**202.3(3)** Voluntary placement of a child aged 18 or older may be granted for six months at a time.

a. The department shall enter into the agreement only when the child:

(1) ~~meets~~ Meets the definition of “child” in ~~rule 441—202.1(234)~~ Iowa Code section 234.1,

(2) ~~was~~ Was in foster care or a state institution immediately before reaching the age of 18,

(3) ~~has~~ Has continued in foster care or a state institution in Iowa since reaching the age of 18, and

(4) ~~has~~ Has demonstrated a willingness to participate in case planning and to fulfill responsibilities as defined in the case plan.

b. Payment shall be limited pursuant to 441—paragraph 156.20(1) “b.”

~~a. c.~~ When the voluntary placement is of a child who is aged 18 or older and who has a court-ordered guardian, the Voluntary Foster Care Placement Agreement, Form 470-0715, shall be completed and signed by the guardian and the ~~county~~ local office where the guardian resides. Voluntary Foster Care Placement Agreements shall not be used to place children outside Iowa and shall not be signed with guardians who reside outside Iowa. Voluntary Foster Care Placement Agreements shall terminate if the child’s guardian moves outside Iowa after the placement.

~~b. d.~~ When the voluntary placement is of a child who is aged 18 or older and who does not have a court-appointed guardian, the Voluntary Foster Care Placement Agreement, Form 470-0715, shall be completed and signed by the child and the ~~county~~ local office where the child resides.

~~e. e.~~ An exception to the requirement for continuous placement may be made for a youth who leaves foster care at age 18 and voluntarily returns to supervised apartment living foster care before the youth’s twentieth birthday in order to complete high school or obtain a general equivalency diploma (GED).

ITEM 56. Amend subrules 202.4(3) to 202.4(6) as follows:

**202.4(3)** ~~Staff~~ The department shall first consider placing the child in a relative’s home unless to do so would interfere with the permanency plan for the child, no relatives are available or willing to accept placement, or to do so would be detrimental to the child’s physical, emotional or mental well-being.

a. If a relative or a suitable person who has a kinship bond with the child will accept placement of the child:

(1) The person shall sign Form 595-1489, Non-Law Enforcement Record Check Request, and

(2) The department shall complete record checks as listed in 441—subrule 113.13(1) to evaluate if the person’s home is appropriate for the child before making the placement.

b. Efforts to place the child in a relative’s home and reasons for using a nonrelative placement shall be documented in the child’s case permanency plan.

**202.4(4)** If the child cannot be placed with a relative or a suitable person who has a kinship bond with the child, foster family care shall be used for a child unless the child has problems requiring which require specialized service which services that cannot be provided in a family setting. Reasons for using a more restrictive placement shall be documented in the child’s case permanency plan.

**202.4(5)** A foster family shall be selected on the basis of compatibility with the child, taking into consideration:

a. No change.

b. The child's individual problems, medical needs, and plans for future care. The department shall not place a child with asthma or other respiratory health issues in a foster home where any member of the household smokes.

c. to f. No change.

**202.4(6)** A foster group care facility shall be selected on the basis of its ability to meet the needs of the child, promote the child's growth and development, and ensure physical, intellectual and emotional progress during the stay in the facility. The department shall place a child only in a licensed or approved facility which has a current ~~purchase of service~~ contract with the department pursuant to 441—Chapter 152.

ITEM 57. Amend subrule 202.5(1) as follows:

**202.5(1)** Except for ~~emergency foster care~~ placements made in less than 24 hours, a child placed in a facility shall have a preplacement visit involving:

- a. ~~the~~ The child,
- b. ~~the~~ The foster parents or agency staff, if the child is placed in a public or private agency, ~~and~~
- c. ~~the~~ The department service worker, ~~and~~
- d. ~~The child's parents shall be included in the preplacement visit,~~ unless their presence would be disruptive to the child's placement.

ITEM 58. Amend subrules 202.6(1) and 202.6(2) as follows:

**202.6(1)** At the time of placement, the department worker shall ~~provide the facility with specific~~ furnish to the foster care provider any available information regarding the child ~~including.~~

- a. The information provided shall include:
  - (1) The child's full name and date of birth;
  - (2) The names, work addresses, and telephone numbers of the placement worker and the worker's supervisor, including a home telephone, cell phone, or on-call number;
  - (3) The names, addresses, and telephone numbers of the child's physician and dentist;
  - (4) The names, addresses, and telephone numbers of significant relatives of the child, including parents, grandparents, brothers and sisters, aunts and uncles, and any other significant persons (for an adopted child, the adoptive parents and adoptive relatives);
  - (5) ~~the~~ The case permanency plan;
  - (6) ~~the~~ The results of a physical examination, including immunization history;
  - (7) ~~the~~ The child's medical needs including allergies, physical limitations, dental and medical recommendations, and special needs of HIV;
  - (8) ~~behavioral~~ Behavioral patterns including safety-related information, ~~and;~~
  - (9) ~~educational~~ Educational arrangements including, but not limited to, the school the child attends, special education needs, and school contacts;
  - (10) ~~the~~ The placement contract or agreement including the date of acceptance for care; and
  - (11) ~~medical~~ Medical authorizations, service authorizations, and other releases as needed.

~~a-~~ b. Before releasing specific information about HIV, the department shall use Form 470-3225, Authorization to Release HIV-Related Information, to obtain a release from the child or the child's parent or guardian, or a court order permitting the release of the information.

(1) and (2) No change.

~~b-~~ c. Safety-related information shall be withheld only if:

(1) and (2) No change.

**202.6(2)** For each foster care placement in a foster family home supervised directly by department staff, Form 470-0716 or 470-0716(S), Foster Family Placement Contract, shall be completed by the ~~provider foster family and department representatives~~ the placement worker and supervisor. A new foster family placement contract shall be completed when the rate of payment or special provisions change.

ITEM 59. Amend subrule 202.8(1) as follows:

**202.8(1)** The department shall make an out-of-state foster family care placement only with the approval of the service area manager or designee. Approval shall be granted only when the placement

will not interfere with the goals of the child's case permanency plan and when one of the following conditions exists:

*a. to d.* No change.

ITEM 60. Adopt the following **new** subrules 202.11(5) and 202.11(6):

**202.11(5)** Throughout the provision of care, the foster care provider shall actively ensure that the child stays connected to the child's kin, culture, and community as documented in the child's case permanency plan.

**202.11(6)** When the child has reached the age of majority under state law, the department shall provide a free copy of the child's health and education records to the child when the child leaves foster care.

ITEM 61. Amend subrules 202.12(1) and 202.12(4) as follows:

**202.12(1)** ~~Social~~ Child welfare services and treatment services shall be made available to the parents throughout the period of placement for the purpose of reuniting the family in an agreed-upon time frame. Family safety, risk, and permanency services may be provided to:

*a.* Promote identification and enhancement of family strengths and protective capacities;

*b.* Address the factors that resulted in the child's being removed from the family home; and

*c.* Strengthen family connections to community resources and informal supports.

**202.12(4)** Personal contact shall be made regularly with the parents and the progress towards goal attainment reviewed and documented in the case record. The frequency of the personal contact shall be at least monthly and shall be specified in the child's case permanency plan.

ITEM 62. Amend subrule 202.13(3) as follows:

**202.13(3)** If a foster family objects in writing within seven days from the date that the ~~information~~ department furnishes notice of plans to remove the child ~~is mailed~~, the service area manager or designee shall grant a conference to the foster family to determine that the removal is in the child's best interest.

*a.* This conference shall not be construed to be a contested case under the Iowa administrative procedure Act, Iowa Code chapter 17A.

*b.* The conference shall be provided before the child is removed except in instances listed in 202.13(1) "a" to "c." The service area manager or designee shall review the propriety of the removal and explain the decision to the foster family.

*c.* The service area manager or designee, on finding that the removal is not in the child's best interests, may overrule the removal decision unless a court order or parental decision prevents the department from doing so.